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Report of the ninth session of the

COMMITTEE ON FISHERIES

Rome, 15-22 October 1974

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
ROME, 1974

REPORT

of the

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Rome, 1974

PREPARATION OF THIS REPORT

This is the final version of the report as approved by the Ninth Session of the Committee on Fisheries.

Distribution

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18 November 1974

Mr. G. Bula Hoyos
Independent Chairman
Council of FAO

Dear Sir,

I have the honour to transmit to you herewith the report of the Ninth Session of the Committee on Fisheries which was held in Rome from 15 to 22 October 1974.

Yours faithfully,

R. Perez Prieto
Chairman
Committee on Fisheries

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MATTERS REQUIRING ATTENTION BY THE COUNCIL

A. MATTERS FOR DECISION

Establishment of Inland Fishery Bodies

The Committee recommended that the Council authorize the Director-General to consult with Governments of all FAO member nations in the Near East, Asia and the Far East, on the one hand, and in Latin America on the other; and, in light of these consultations, take the necessary steps towards the expeditious establishment of regional bodies within the framework of FAO to deal with inland fisheries. (paras. 75 and 76)

It felt, however, that consideration of the establishment of a Sub-Committee of COFI to deal with this subject was not warranted at this time. (para. 71)

Membership of the Committee on Fisheries

The Committee recommended that the Council give favourable consideration to more flexible rules regarding membership and recommend them to the Conference for adoption. (para. 79)

B. MATTERS FOR INFORMATION

United Nations Conference on the Law of the Sea

The Committee discussed the Conference at length and agreed that it was already apparent that FAO, and the Committee itself, would have a key role in any new régime governing world fisheries. While recognizing that new mechanisms would not necessarily be required, as existing organisms including regional bodies could probably accommodate any conclusion of the Conference on the Law of the Sea, the Committee agreed that this matter should be taken up at future sessions when the Conference had completed its work or a clear indication of its outcome was apparent. Meanwhile it requested the Secretariat to prepare a document that would up-date and expand, as required, the report on regulatory fishery bodies that FAO submitted to the Sea-Bed Committee in 1972 which should also include a section on the relevant activities of FAO and the Committee itself. (paras. 43-48)

Review of the Programme of Work of the Organization in the Field of Fisheries

The Committee considered that the major activities of the Department of Fisheries described in document COFI/74/12 represented a fair balance in meeting the various needs and interests of member nations and no major shifts were called for at present; and expressed itself as being satisfied, in general, with the emphasis given to the various activities. It would return to details of priorities or projects at its next session. Meanwhile, increase of fish production was mentioned as the basic problem for most countries, the great importance of the training and educational aspects of all of FAO's fisheries activities was re-emphasized, and FAO was requested to continue giving priority to basic service functions, including collection, assembly and dissemination of data and information. The Committee noted that many factors of varying kinds, such as the world food crisis, changes in the ocean régime and increased fuel costs, were likely to require greater efforts in fisheries in the near future. (paras. 59-69)

Programme aspects were also considered under other items of the agenda. (see below)

International Aspects of Fishery Management and Development

The Committee wished the reviews of the state of world fishery resources prepared by the Secretariat to be presented not only at each of its annual sessions but also to be made available as widely as possible and it made suggestions for modifications in future reviews. (paras. 10 and 11)

The Committee re-emphasized the role that it could play in discussing problems of management and development that were of common interest to many regions. These included, in addition to the question of the supply of basic data, problems of stock assessment and the methodology of choice and implementation of management measures. The Committee believed that the activities of FAO under this heading should be strengthened. (paras. 14 and 15)

Reviewing major problems of regional fishery bodies, the Committee emphasized the growing importance of regional bodies, and the need for increased support to them, and strongly urged FAO to give greater support to its regional bodies, and other regional activities. Some modifications might be necessary to the statutes of existing FAO bodies to enable them to take a more active role in dealing with the interlinked problems of management and development and the Committee requested the FAO Secretariat to submit to its next session suggestions for changing the present statutes and composition of the Fishery Committee for the Eastern Central Atlantic to give it wider powers and to broaden membership. The Committee also requested FAO to examine the possibilities of speeding up the process of amending statutes of FAO bodies, and establishing new bodies where required. (paras. 19, 21 and 78)

Discussing scientific advice to regional bodies, the Committee again emphasized the importance of timely data as well as the need to solve certain scientific problems. Advice would however be useful only if it resulted in better planning, effective fishery development, the implementation of better and more timely management measures and their enforcement. The Committee also stressed the importance of education in subjects such as data collection, stock assessment and management methodology, and urged that FAO should increase its activities in this field. (paras. 22 to 24)

Concerning the protection of living aquatic resources and fisheries from pollution, the Committee felt that FAO should continue to ensure leadership in areas concerning the protection of living aquatic resources and related environmental aspects. However, duplication of efforts among UN organizations should be avoided. (paras. 25 to 31)

Small-Scale Fisheries

The Committee reiterated its concern about the slow economic and social progress in the small-scale fisheries sector in developing countries. It made a number of suggestions about tackling this complex problem and endorsed the approach proposed in document COFI/74/9. (paras. 32 to 42)

Tenth Session of the Committee on Fisheries

This session was tentatively scheduled for June 1975. The Committee expressed appreciation for the invitation to hold it in Brazil and requested the Director-General to consult with the Government regarding the financial and technical possibilities of accepting the invitation. (paras. 80 and 81)

INTRODUCTION

1 The Ninth Session of the Committee on Fisheries (COFI) was held in Rome from 15 to 22 October 1974. The session was attended by 49 members of the Committee, by observers from 19 other FAO Member Nations and the U.S.S.R., by the Permanent Observer for the Holy See, by representatives of the European Economic Community, the United Nations and its Specialized Agencies and by observers from six international organizations. A list of delegates and observers is given in Appendix B to this report.

2 Mr. E.G. Goonewardene (Sri Lanka), elected Chairman at the Seventh Session of the Committee, was in the Chair at the opening of the session.

3 The Committee was welcomed by the Director-General in an opening address, the text of which is reproduced in Appendix D to this report.

4 The guest speaker for this session of the Committee, Ambassador Hamilton Shirley Amerasinghe, Permanent Representative of Sri Lanka to the United Nations and President of the Third United Nations Conference on the Law of the Sea, delivered an address on 18 October at the invitation of the Director-General. The text of this address is reproduced in Appendix E to this report.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

5 The Committee adopted the agenda given in Appendix A to this report. The documents which were before the Committee are listed in Appendix C to this report.

6 A Drafting Committee was appointed, consisting of the representatives of Kenya (Chairman), Ecuador, France, Japan, Spain and the United States of America.

ELECTION OF OFFICERS

7 According to Rule I of its Rules of Procedures, the Committee was required to elect a Chairman, a first Vice-Chairman and four other Vice-Chairmen at the session after the election of its members by the FAO Council. The members of the Committee were appointed at the Sixty-Second Session of the Council on 29-30 November 1973.

8 A Nominations Committee was appointed, consisting of the representatives of Brazil (Chairman), Canada, Indonesia, Kenya, Norway and the United States of America.

9 On the recommendation of the Nominations Committee, Dr. R. Perez Prieto (Peru) was unanimously elected as Chairman of the Committee, Mr. K. Løkkegaard (Denmark) as First Vice-Chairman, and the representatives of Cuba, Egypt, Nigeria and Thailand as other Vice-Chairmen.

INTERNATIONAL ASPECTS OF FISHERY MANAGEMENT AND DEVELOPMENT

(a) The present state of the world fishery resources

10 The Committee on Fisheries at its Eighth Session (1973) expressed the view that a review of the state of the world fishery resources should be presented at each of its annual sessions. It considered that the first of such reviews 1/, and a commentary on the current state and problems of the resources 2/ were most useful. The reviews, prepared as part of FAO's programme of World Appraisal of Fishery Resources, should be as up to date as possible, but the Committee noted that there was a time interval between the preparation of these documents and its sessions. It requested that any information on significant developments, which would become known during that interval, should be reported in an addendum to the reviews.

1/ COFI/74/4

2/ COFI/74/5

11 The Committee noted that the review had been submitted to the Third United Nations Conference on the Law of the Sea for its information. It requested that consideration should be given to the desirability of making the reviews as widely available as possible in view of their general importance. It discussed possible modifications in future reviews. These might include: modification of the format; improvement in the provision of the figures on potential yields, where appropriate, by indicating a range of estimates; indications of variability in the catches due to natural fluctuations; more attention to unconventional resources; better estimates for little exploited resources. The Committee welcomed the inclusion of sections on inland fisheries. It also believed that it would be useful to include in these reviews, in addition to the resource data, further information on the economic and social aspects of fisheries similar to that included in the FAO Fishery Country Profiles.

12 The Committee noted that the world catch had dropped substantially in 1972, due to the dramatic fall in the Peruvian anchoveta catches but that, apart from anchoveta, it continued to increase steadily. The Committee welcomed the information from the Peruvian delegation that, following the imposition of strict controls on the catches, the anchovy stocks were showing signs of recovery; however, while opportunities still existed to expand catches from a number of stocks, the number of under or unexploited stocks of the more familiar types of fish was getting fewer. With an increasing proportion of the world catch coming from stocks that were becoming heavily exploited, it was obvious that the success of the fisheries on these stocks would depend on adequate programmes of management for them. In addition, it was hoped that fisheries would develop on the less conventional resources.

13 The Committee noted that a major source of inadequacy in the analysis of the state of stocks was the lack of reliable data. It noted that the primary responsibility for supplying the data required for adequate monitoring of the fish stocks rested with the countries fishing. There was a need for all countries partaking in the harvest of a resource to accept the commitment to provide at least the basic data concerning the catches taken. Such a process would be facilitated if FAO could set out guidelines for the collection, compilation and processing of fishery statistics and related data and progressively developed a more integrated Departmental fishery data system as part of its services to member countries.

14 The Committee re-emphasized the role that it could play in discussing problems of management and development that were of common interest to many regions. These included, in addition to the question of the supply of basic data, problems of stock assessment and the methodology of choice and implementation of management measures. The importance was stressed of having appropriate national or international machinery to ensure that management measures agreed upon were properly implemented and enforced. Implementation and enforcement would be much easier if the fishing industry and fishermen were made fully aware of the objectives of the measures and of the long-term advantages that would accrue if they were properly implemented.

15 The Committee believed that the activities of FAO under this heading should be strengthened. Emphasis should be given to training and to the development of strong national capabilities, particularly in data collection and processing, stock assessment, and management methodology. The assistance of UNDP and bilateral agencies in the holding of training courses in these subjects was welcomed; it was noted that consideration was being given to the establishment of a regional training centre for fishery statistics in Latin America. Training courses or seminars to improve the dialogue between scientists, administrators and industry would be desirable.

(b) Some major problems of regional fishery bodies

16 The Committee noted the information 3/ concerning the progress made by regional fishery bodies, and the problems being faced by these bodies. It noted that significant events had

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3/ COFI/74/6, COFI/74/7

occurred since the preparation of the documents. In particular, the Committee welcomed the new powers available to the North-East Atlantic Fisheries Commission for the control of the amount of fishing or catch in the north-east Atlantic, and the establishment of the International Baltic Sea Fishery Commission. In the north Pacific, the International North Pacific Fisheries Commission had also been able to consider broader multi-species problems at the scientific level. However, it was pointed out that problems were still arising due to the fact that not all the countries concerned were represented.

17 The Committee examined the needs for new fishery bodies to deal with newly arising problems. In respect of marine areas, it believed that consideration of such needs should be held in abeyance pending the conclusion of the United Nations Conference on the Law of the Sea.

18 For inland waters, following the successful establishment by FAO of the Committee for Inland Fisheries of Africa, it was felt that consideration should be given to the establishment of similar FAO bodies for Latin America and Asia. However, the Committee decided to return to these suggestions under item 10 of its agenda.

19 Some modifications might be necessary to the statutes of existing FAO bodies to enable them to take a more active role in dealing with the interlinked problems of management and development. The Committee noted with appreciation that the General Fisheries Council for the Mediterranean had already taken steps to this end and that the Indo-Pacific Fisheries Council would be considering this q estion at its forthcoming session. FAO was requested to examine the possibilities of speeding up the process of amending statutes of FAO bodies, and establishing new bodies where required.

20 Several members noted that it would be very valuable if a review were prepared of the past performance of fishery bodies in relation to their structure and methods of work, which could be helpful in determining the structure of new bodies and the possible modifications to existing bodies. An examination of management techniques could usefully be included in such a review, or made the subject of a separate review. The Committee noted that FAO was already arranging for a review of the past effectiveness of management measures in lakes.

21 The Committee emphasized the growing importance of regional bodies, and the need for increased support to them, and strongly urged FAO to give greater support to its regional bodies, and other regional activities. Specifically the Committee felt that the fishery element of the FAO regional offices should be strengthened and noted that the vacant post of Senior Fishery Officer in the Regional Office for Africa would soon be filled. It welcomed the increasing support being given by UNDP and bilateral agencies through the regional projects and the extent to which the growing number of these projects was enabling better support to be given to regional activities.

22 The Committee discussed the various stages of data collection and scientific analysis involved in the preparation of the necessary scientific advice, and welcomed the valuable study of this subject made by a working party of ACMRR 4/. The contrast was pointed out between the estimated costs of only one of the essential tasks of regional bodies, that of processing the basic regional data, and the support that could actually be given under the FAO Regular Programme, and FAO was urged to examine other sources of funding. The importance of an improved supply of timely data was again emphasized but it was also noted that a number of important scientific problems, e.g. the relation of the abundance of the adult stock to the number of young produced, and the interaction between different species of fish, needed to be solved. It was, however, stressed that the supply of data and scientific analyses was only one factor in achieving improved utilization of the resources. Improvements in data and analysis would be useful only if they resulted in better planning, effective fishery development, the implementation of better and more timely management measures and their enforcement. These measures did not only include restrictions on the catch or amount of fishing. It was pointed out that the introduction of more selective fishing

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4/ Advisory Committee of Experts on Marine Resources Research, COFI/74/Inf.10

methods, or careful choice of time and place of fishing, could be useful in reducing the incidental catches in fisheries directed at other species and in managing multi-species fisheries.

23 The need was stressed for full participation by all countries in each stage of data collection, scientific analysis, and choice and implementation of management measures. It was particularly necessary that every country participating in a fishery should have an adequate capacity for interpreting the scientific results, and determining, in the light of its national, social and economic interests, the appropriate action to be taken. Where, as in the case of most FAO bodies, a majority of member countries were from the developing world, FAO had a particular responsibility for supporting these activities, and the Committee welcomed the technical support being given by FAO to its bodies and to several non-FAO bodies such as the International Commission for the Conservation of Atlantic Tunas.

24 The Committee also stressed the importance of education in subjects such as data collection, stock assessment and management methodology, and urged that FAO should increase its activities in this field, by producing manuals and guidelines, holding training courses and seminars and engaging in other appropriate activities.

(c) Cooperation in the protection of living aquatic resources and fisheries from pollution

25 The Committee discussed at length the problems of pollution and received reports from other organizations concerned with this problem. The Committee reiterated its view that the protection of living resources from increasing pollution was a major problem of common concern not only to developed but also to developing nations. The Committee noted therefore with appreciation that FAO had progressively increased these activities.

26 The Committee noted that FAO had played, and should continue to play, an important role in focussing world attention on the problem of pollution in the aquatic environment, particularly by the dissemination of information concerning the potential danger of pollutants to fisheries resources and by the training of specialists in developing countries to deal with the problem.

27 The Committee felt that FAO should continue to ensure leadership in areas concerning the protection of living aquatic resources and related environmental aspects. However, duplication of efforts among UN organizations should be avoided. FAO could contribute to this by concentrating on areas in which it was competent and could play a particularly useful role, leaving to other organizations activities which they could carry out to the satisfaction of those concerned.

28 It was agreed that, as an integral part of fishery management and development, assessment of the state of aquatic pollution as it affects living resources and fisheries, including aquaculture, was essential for both marine and inland waters. It was also important that the interests of fisheries should be protected or balanced against the interests of other uses of the aquatic environment. In some regions, a general diagnosis was required of the state of pollution and its effect on living resources. Reviews similar to that made by the General Fisheries Council for the Mediterranean were considered appropriate in such cases. There might also be a need to look into more specific phases of pollution, e.g. those resulting from the effects of nuclear testing and other environmental alterations affecting living resources.

29 The Committee was informed that at present several projects were funded by the United Nations Environment Programme and suggested that FAO should always try, where appropriate, to mobilize external funds; for example, the assistance being given to FAO by the Swedish International Development Authority for training activities and the establishment of regional laboratories on pollution research in developing countries was welcomed. The delegations of East African countries expressed their support for the proposed establishment of the first laboratory of this kind in East Africa.

30 The Committee supported a proposal to hold an FAO technical conference on inland water pollution and its effects on living resources and fisheries.

31 The Committee appreciated the role of FAO regional fishery bodies in combatting pollution by reviewing the state of aquatic pollution and preparing scientific bases for monitoring in their respective areas. It pointed out that one of the important functions of FAO was to assemble and disseminate information on the level of contamination and means for its prevention and on regeneration and suggested that a review on the state of contamination of fishery resources and products might, in the future, become a part of the periodic reviews of the state of fishery resources.

SMALL-SCALE FISHERIES

32 The Committee emphasized the important role of small-scale operators in the fisheries not only of developing countries but also of the industrialized countries. These fisheries are a source of vital protein food supplies and provide employment for a large labour force. The Committee reiterated its concern about the slow economic and social progress in this sector in developing countries. In spite of many efforts to improve the state of small-scale fisheries, the people engaged in these activities and their families continued, with few exceptions, to live at the margin of subsistence and human dignity. The problem was of such magnitude that any development assistance programme ought to give the highest priority to finding solutions for improving these fisheries and allocating the necessary funds for the implementation of action projects. The Committee fully recognized the complexity of the problem, the solution of which not only required technological and scientific inputs but called for an overall approach with due regard for social, economic, cultural and political aspects which were frequently of overwhelming importance.

33 The urgent need for greater attention to the small-scale fishery sector has become even more pressing in the light of increasing costs for vessels, fuel, fishing gear and other equipment.

34 The likely changes regarding waters under national jurisdiction will lead to greater opportunities and responsibilities for the small-scale fisherman. In this context, the Committee noted the need to protect the small-scale fisherman, whose interests could be in conflict with those of an industrial fishery. Such remedies as the reservation of specific fishing areas for the small-scale fishery were suggested.

35 The Committee underlined the role of national governments in fostering development in this sector, which had suffered from a lack of integration into overall economic and social development programmes. Governments should provide appropriate administrative and organizational arrangements at the planning and implementation level to ensure an integrated approach to small-scale fisheries development within the framework of rural development. It was generally accepted that the effectiveness of multilateral, bilateral or other technical assistance schemes in this sector depended very much on the existence or creation of local institutions and organizational patterns, which would ensure the transfer of expertise and guarantee the continuation of the development work after assistance had ceased. The Committee underlined that even small improvements in technology could contribute significantly to increasing production.

36 The Committee appreciated the new emphasis FAO was giving to small-scale fisheries and unanimously endorsed the proposed approach 5/ and the "Preparatory project for the development of small-scale fisheries in West and South Asia" 6/. Most members favoured giving effect to the programme at the regional level since regions had many conditions and problems in common. Consideration of these would hasten the finding of solutions which should be tailored to the specific needs of countries and regions. This should result in pilot operations and model projects with multiplier effects throughout countries and regions, and would gradually lead to global concepts and policy guidelines for small-scale fishery development. The Commmittee urged that similar projects should be proposed for other regions and sub-regions.

5/ COFI/74/9

6/ COFI/74/9, Sup.1

37 The Committee stressed the need for continuous assessment of project results and the role of FAO in collecting and analyzing information in this field. It also emphasized the need to use evaluation criteria for development action and investment projects in this sector, which not only measure the economic return but also ensure full consideration of the social benefits and general contribution to rural and coastal development. The Committee urged funding agencies to apply criteria which included the "social rate of return". A strong input of FAO Headquarters, combining the competence available inside and outside the Department of Fisheries, was necessary. The Department needed to have sufficient resources to be able to respond rapidly and flexibly to requests for assistance. The necessity for the involvement of FAO at the earliest planning stage was emphasized.

38 The Committee strongly supported proposals for organizing regional seminars to examine the whole spectrum of small-scale fisheries development, taking into account the experience gained from specific cases. The material emerging from such seminars would be most valuable for a discussion of this topic at a technical conference which was proposed and supported as a possible follow-up. The offer of India to host such a conference was welcomed. In this context, the Committee noted the intention of the Tropical Products Institute of the United Kingdom to convene a meeting on post-harvest problems in small-scale fisheries in 1976, which could be coordinated with these FAO activities. It also was informed about the United States Agency for International Development regional seminar on small-scale fisheries to be held in Central America in 1975 and about the availability of fellowships for courses on fishery cooperatives organized annually by the Japan Overseas Cooperation Agency.

39 Various members, whose countries had received technical assistance from bilateral or multilateral sources for small-scale fisheries development, expressed their gratitude for the help obtained. Reference was made to a number of successful schemes, e.g. in Ghana, India, Indonesia, Senegal, Sri Lanka and Uruguay which could serve as models for other countries. While some of these projects had had an impact beyond the particular area where they had been set up, it was generally recognized that successes in isolated cases were not sufficient and that efforts must be more widely undertaken if the problem was to be satisfactorily handled world wide. The Committee therefore particularly welcomed the intimation of various delegates from donor countries and of the Representative of UNDP that they were prepared to give priority to aid schemes in that field. The Representative of UNDP stated that the project proposal for West and South Asia had received initial support, that projects for various other regions, e.g. the South Pacific, Africa (inland waters) and Latin America, were under consideration and that UNDP was also considering the possibility of financing an international project on small-scale fisheries development. The increasing attention given by the World Bank to integrated rural development was noted and the Committee expressed its hope that small-scale fisheries development would form an important part of this programme.

40 In considering various specific aspects of small-scale fisheries, the Committee emphasized the interdisciplinary nature of assistance requirements. Improvement of boats, gear, processing, storage, transport, distribution, credit availability must be complemented by social and community developments, such as health services and schools. The Committee stressed the importance of education and training in all endeavours and FAO should put emphasis on training key personnel who, in turn, would train staff engaged in fishery and related activities, thus ensuring a multiplier effect. The Committee also stressed the critical situation which most small-scale operators faced when they marketed their catches; the establishment of well organized fishermen's cooperatives was considered an important step towards breaking the dependence on intermediaries and improving returns to the producer. Training in business management was an important element in successful fishermen's cooperative development. The Committee also pointed out the possibilities existing in rural aquaculture schemes for small-scale fisheries development.

41 The Committee referred to the United Nations World Food Conference to be held in Rome in November 1974 and urged that the contribution of the small-scale fishery sector—and of fisheries in general—be given the appropriate attention in this important event.

42 It was suggested that the topic of small-scale fisheries feature regularly on the agenda of the Committee on Fisheries in order to give it an opportunity to examine progress in this field.

COOPERATION IN THE UNITED NATIONS SYSTEM IN RELATION TO FISHERIES

(a) United Nations Conference on the Law of the Sea

43 The Committee considered this item on the basis of documents COFI/74/10 and COFI/74/Inf.4, Inf.5 and Inf.12. It expressed its appreciation to the Secretariat for the usefulness and the objectivity of the information provided, particularly as regards the statements and proposals on fisheries made at the Caracas Session (20 June-29 August 1974) of the Third United Nations Conference on the Law of the Sea. It also noted with gratitude that the Department of Fisheries had submitted to the Conference technical documents of high quality and great impartiality, and hoped that this contribution to the work of the Conference would continue.

44 The Committee agreed that, although the outcome of the Conference was not yet known, it was already apparent that FAO and the Committee itself would be likely to have a key role to play in any new regime governing world fisheries. Particular reference was made in this connection to technical assistance to developing countries; training and the transfer of technology in all aspects of fisheries; the establishment or strengthening of institutional arrangements; the harmonization of activities of regional fishery bodies; the dissemination of information, especially as regards management techniques. Several members stressed that regional fishery bodies would have an important continuing role in assisting collaboration and consultation between coastal states and in ensuring the conservation and rational exploitation of fishery resources in areas beyond the limits of national jurisdiction; and that the role of FAO would continue to be significant in these fields. These members also considered that though it might prove necessary to modify the functions of some existing fishery bodies, there was no need for a new international authority to deal with living resources, which could not avoid diminishing the role of FAO and COFI.

45 The Committee gave detailed consideration to the question whether it would be appropriate to examine already at this stage the relevance and implications, for its work and that of the Organization, of the discussions held so far at the Conference on the Law of the Sea. The suggestion was made by one member and supported by a number of other members that this task could best be entrusted to its Sub-Committee on the Development of Cooperation with International Organizations Concerned with Fisheries, which could meet prior to the spring 1975 session of the Conference. The Committee, accordingly, set up a small drafting group to work out specific terms of reference for the Sub-Committee. Several members stressed that the work to be performed by the Sub-Committee should not lead to the formulation of any recommendation that would seek to prejudice national positions at the Conference or prejudge the final outcome of the Conference. Other members also pointed out that the Sub-Committee was a subsidiary body of the Committee and that it could report only to the Committee which would review its findings.

46 The terms of reference suggested by the drafting group provided that the Sub-Committee should undertake the following tasks:

"(i) To review and analyze information on international and regional fishery bodies, and their interaction with specialized bodies dealing with marine science as far as their activities relate to the use and protection of the marine environment and its living resources

(ii) To prepare an objective summary of existing international mechanisms and arrangements identifying their capabilities and also both their potentials and their limitations for meeting new situations resulting from the development and use of fishery resources and their interaction with other uses of the oceans, in the context of the future legal order to be determined by the United Nations Conference on the Law of the Sea

(iii) To identify possible measures to improve and to rationalize the existing mechanisms and arrangements, particularly on how to enhance the role to be played by FAO, its Committee on Fisheries, and its fishery councils

"and commissions, for the purpose of furthering international cooperation in the new context, bearing in mind the special problems of developing countries and the need to accelerate the transfer of technology to them"

47 After a thorough debate on the proposed terms of reference, some members felt that the convening of the Sub-Committee would constitute the best course of action. However, other members felt that the terms of reference were too broad and that it would be better not to convene the Sub-Committee. As an intermediate step it was agreed to request the Secretariat to prepare a document that would up-date and expand, as required, the report on regulatory fishery bodies that FAO submitted to the Sea-Bed Committee in 1972 and should also include a section on the relevant activities of FAO and the Committee itself. The report should in particular cover the structure and functions of existing regional and international bodies concerned with the management and development of marine fishery resources, including outlines of their recent activities and programmes. The presentation should be factual and exclude any value judgement on the performance of these bodies. The Secretariat could be assisted in its work by appropriate experts. The report should be made available to the Third Session of the United Nations Conference on the Law of the Sea scheduled to be held in Geneva from 17 March to 10 May 1975, and should be submitted for review to the Tenth Session of the Committee.

48 Some members considered that it would be premature at this stage to make projections or proposals concerning the future role of FAO, its fishery bodies and the Committee itself following the conclusion or interim conclusions of the Conference on the Law of the Sea. Other delegations felt, however, that in the absence of a discussion by the Sub-Committee on the capabilities and potentialities of the Committee, FAO as a whole and its subsidiary bodies, the role of these organizations might be jeopardized. While recognizing that new mechanisms would not necessarily be required, as existing organisms including regional bodies could probably accommodate any conclusion of the Conference on the Law of the Sea, the Committee agreed that this matter should be taken up at future sessions when the Conference had completed its work or a clear indication of its outcome was apparent.

(b) Relations with other United Nations organizations 7/

49 The Committee was informed of the progress made in the use of IOC as a specialized mechanism in discharging the requirements of the organizations participating in the ICSPRO in marine sciences, including relevant fisheries aspects and the support extended to it by these organizations. It noted with satisfaction that the close collaboration between FAO and IOC had been further developed to the mutual benefit of both, especially in the International Cooperative Investigations. The importance of continuing the close collaboration on such investigations was emphasized, and the care that must be taken in not extending these cooperative investigations beyond their periods of useful activity was stressed.

50 The Committee took note of a statement by the Chairman of IOC, who welcomed the close and constructive collaboration of FAO with the Commission, developed over a number of years.

7/ IOC = Intergovernmental Oceanographic Commission
ICSPRO = Inter-Secretariat Committee on Scientific Programmes Related to Oceanography
CICAR = Cooperative Investigations in the Caribbean and Adjacent Regions
CIM = Cooperative Investigations in the Mediterranean
IGOSS = Integrated Global Ocean Station System
WMO = World Meteorological Organization
IMCO = Inter-governmental Maritime Consultative Organization
ILO = International Labour Organization

51 The Committee took note of the difficulties encountered in implementing some of the International Cooperative Investigations, specifically the CICAR and CIM, mainly due to insufficient level of participation by the countries concerned.

52 The Committee was informed by the Chairman of IOC that, owing to recurring difficulties, the Commission was seriously considering the reorganization of its International Cooperative Investigations and their Coordinating Groups, as well as the Working Committees, and that during this reorganization the participation in IOC programmes of the UN Agencies and regional bodies would be reassessed. The matter would be discussed at the forthcoming session of the IOC Executive Council and the Chairman hoped that FAO would be represented at the highest level appropriate.

53 The Committee noted the further progress made in the planning and implementation of IGOSS, and stressed once more the need for FAO to ensure that fishery aspects were taken into account. The Committee also recalled its previous recommendations on the programme. The representative of IOC welcomed the full participation of FAO in IGOSS, but noted some procedural difficulties with the IOC/WMO system.

54 The Committee was informed of recent progress made on the UNEP-funded FAO projects. In connection with the project on the "Monitoring of Environmental Effects on Marine World Fishery Resources", which was a component of the World Appraisal of Fishery Resources Programmes of FAO, the Committee appreciated the level of financial assistance given by UNEP and expressed the hope that such assistance would be continued.

55 Several members stressed the need to avoid duplication of fishery activities in the UN Agencies, particularly UNEP, and proposed that in order to ensure FAO's leading role in the study of the living resources of the oceans and their environment, the delegations attending the meetings of other UN Agencies should be properly briefed on the specific capabilities of FAO.

56 The Committee was informed of the contribution of FAO to ECOSOC on various aspects of science and technology as it applied to fisheries. It felt that fishery aspects were best handled as part of fishery development activity and not as part of a very wide range of scientific and technological matters.

57 The Committee noted with satisfaction the continuing collaboration by the Department with IMCO in the important aspects of safety for crews and fishing vessels, and recommended the early publication by IMCO of Part B of the Code of Safety for Fishermen and Fishing Vessels (Safety and Health Requirements for the Construction and Equipment of Fishing Vessels).

58 One member observed that ways and means should be provided to initiate similar collaboration with ILO in the field of vocational training.

REVIEW OF THE PROGRAMME OF WORK OF THE ORGANIZATION IN THE FIELD OF FISHERIES

59 In considering document COFI/74/12 the Committee noted that the Department's activities were carried on with financial support from various sources. The Regular Programme was the primary source of funds for Headquarters activities. These funds, by their very nature, varied little. The present level of the Regular Programme budget was U.S. $7.5 million for the biennium. The Director-General had not yet fixed the level of the overall budget for FAO in 1976/77 which he would propose to the governing bodies for adoption by the FAO Conference in 1975, and clearly the funds available to the Department would depend on the overall budget level.

60 The largest source of funds for fishery development was, and always had been, the United Nations Development Programme. These funds were used primarily for financing and supporting projects throughout the world. The UNDP input to current operational projects

was about U.S. $47 million, while approval was being sought for projects for an additional amount of U.S. $23 million. The Committee was encouraged to note that UNDP was ready to consider continuing strong support to the fisheries sector at a time when many factors of varying kinds, such as the world food crisis, changes in the ocean regime and increased fuel costs, were likely to require greater efforts in fisheries in the near future. Governments must, however, realize that UNDP support to fisheries projects depended primarily on the countries themselves giving priority to them. The Committee was pleased to note that UNDP welcomed regional and inter-regional projects as these promoted collaboration between countries in solving fisheries management, development and marketing problems.

61 A growing source of support to FAO fisheries, particularly field activities, was the national development agencies in developed countries. Two types of arrangement existed. The first was by channelling bilateral development funds to FAO and there had been promising growth in this in the recent past. The second was ad hoc arrangements whereby bilateral agencies could take on projects direct or in collaboration with FAO. Contributions to FAO through the first arrangement amounted to U.S. $3.8 million and additional support amounting to nearly U.S. $14 million was under consideration from bilateral sources.

62 The representatives of Norway, Sweden, Canada, Japan and U.S.S.R. gave details of the support being given under their bilateral programmes. Norway was considering expansion of its fisheries aid programme through bilateral and multilateral channels. Norway and Sweden both supported the regional approach in programmes such as the Indian Ocean Programme. Canada was hoping for further cooperation with FAO, particularly in small-scale fisheries. Canada had, in fact, already contributed, through the Canadian International Development Agency, Canadian $2.8 million to the South China Sea Programme. In Japan, substantially increased support to fishery projects was envisaged through the establishment of training centres, the provision of experts and equipment, the construction of infrastructures, and the acceptance of foreign trainees under the Japan Overseas Cooperation Agency. The U.S.S.R. was cooperating on a long-term basis with many developing countries in fisheries. Particular attention was drawn to the Five-Year Cooperative Programme (1975-1979) between the U.S.S.R. and FAO in which the U.S.S.R., through support of United Nations Development Programme funds, would be participating in surveys in East Africa and South Asia in co-operation with the Indian Ocean Programme, in West Africa in cooperation with the Fishery Committee for the Eastern Central Atlantic, and the Pacific and south-eastern part of the Indian Ocean as regional projects.

63 The Committee felt that more quantitative information about the level of financial support available to FAO from different sources should be provided in the future, indicating the allocations. Proposals were made that financial resources should be allocated in such a way that they could be used with the flexibility needed to meet ad hoc demands on resources or emergency situations.

64 In turning its attention to the various activities 8/, the Committee considered that these represented a fair balance in meeting the various needs and interests of member nations and no major shifts were called for at present. It felt that the time was not opportune for a discussion of details of priorities or projects, since the details for the next biennium had not yet been worked out. It would return to this at its next session.

65 The Committee believed that it could more easily decide on required lines of action for the future if the Secretariat could provide it with information on past activities and, where appropriate, an evaluation of results. Clearly this would not be possible for all sectors and because of the amount of work involved evaluations might be presented for different key areas at different times. It was noted that field projects were reviewed under UNDP procedures and there were also reviews of projects carried out in cooperation with the main aid agencies of the developed countries.

66 Some members suggested that the Department should prepare special studies on the implications of major world problems and events, such as the Conference on the Law of the

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8/ COFI/74/12

Sea, the energy crisis and the world food shortage and how they might affect member countries in their national aspirations and therefore the work of the Department in the future. The world food shortage pointed to the urgent need for increasing production and reducing waste in utilization of existing catches. Measures to expand aquaculture and to develop small-scale fisheries were considered important, as was work in developing the use of unconventional resources. The delegation of Japan announced its agreement in principle to act as host to the world technical conference on aquaculture which had been proposed for 1976. Increase of fish production was mentioned as the basic problem for most countries and this would require improving fish catching methods, better handling and preservation of the catch and the control of quality of fish products as well as promoting the effective transfer of technology. It was felt that joint ventures might, in suitable circumstances, be an effective means for the transfer of technology and the Committee noted that the Department had started giving advice on this to countries that so requested.

67 The Committee requested that FAO should continue to give priority to its basic service functions. In this respect, as had already been mentioned in earlier discussions, the collection, assembly and dissemination of data and information, should always be one of the basic functions of FAO and it was essential for FAO to become more active in providing assistance through regional and national projects to the development of national and international data systems. Delegations expressed their appreciation for the FAO publications, manuals and documents, referring in particular to the commodity analyses, the country profiles, the statistical bulletins, identification sheets, and ASFIS 9/. Part of this work would be facilitated by computerization in the near future. As to the relationship between material included in ASFA and AGRINDEX 10/, the Committee stated that there should be no duplication in the entries of these two systems.

68 The Committee expressed itself as being satisfied, in general, with the emphasis given to the various activities. This was not surprising as it resulted from discussions at previous sessions of the Committee and demonstrated the usefulness of those meetings in giving direction to the Department's activities. While some major parts of the Department's Programme of Work had already been discussed under separate agenda items (see paragraphs 10 to 58 of this report on items 4, 5 and 6), the Committee still believed an agenda item providing an overall view was helpful to the Department in adjusting priorities.

69 In this connection, the Committee re-emphasized the great importance of the training and educational aspects of all of FAO's fisheries activities and urged the Department to explore all possible means of strengthening and broadening the assistance to member countries in this respect.

MATTERS CONSIDERED BY THE COUNCIL AND CONFERENCE OF FAO

70 The Committee was given an account 11/ of the matters of concern or interest to it that were considered by the Sixtieth and Sixty-First Sessions of the Council and by the Seventeenth Session of the Conference and that were not covered under other items of the agenda. In particular, it noted with satisfaction the establishment of the Western Central Atlantic Fishery Commission, which was scheduled to hold an organizational session during the first half of 1975. It also noted that, as a result of the action taken by the Council and the Conference, on the one hand, and by the International Commission for the Conservation of Atlantic Tunas, on the other, the Agreement establishing formal relations between the two organizations had now entered into force.

71 The Committee was informed that a suggestion had been made at the Sixtieth Session of the Council that it might consider the establishment of a Sub-Committee to deal with inland

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9/ Aquatic Sciences and Fisheries Information System

10/ Aquatic Sciences and Fisheries Abstracts
An Index of World Agricultural Literature produced by AGRIS (International Information System for the Agricultural Sciences and Technology)

11/ COFI/74/13

fisheries. It felt that such a step was not warranted at the present time, particularly in view of its intention to include problems of inland fisheries as a major item on the agenda of its next session (see paragraphs 72 and 73 below).

SUGGESTED MAJOR ITEMS FOR THE AGENDA OF THE TENTH SESSION OF THE COMMITTEE ON FISHERIES

72 The Committee considered document COFI/74/14, which listed a number of topics that could be included in the agenda of its Tenth Session as major items. It agreed that the following items should be so included:

(i) Coordination of Multilateral and Bilateral Assistance in Fishery Development Programmes

(ii) Problems of Inland Fisheries

73 The Committee felt that the second item mentioned above should also cover the special fishery problems of land-locked countries. It further considered that, as an aid to the Committee's discussions on both major items, nationals from various countries or representatives of international organizations should be invited by the Secretariat to submit background papers providing technical data as well as information on experience acquired or problems encountered.

74 As regards the other items suggested, the Committee expressed the view that it would be possible to have discussions on small-scale fisheries and international cooperation in fishery industries development, without, however, considering these topics as major items for the session. It agreed that the item World Fisheries Development 1962-1975--An Appraisal of Performance Compared with the Indicative World Plan Projections--could best be placed on the agenda for its Eleventh Session in 1976, since this would allow for most of the necessary data to be collected up to the year 1975. The suggestion was made that it would be desirable to consider the inclusion in the agenda of a future session of the general question of the scope and nature of fishery management.

ANY OTHER MATTERS

Proposed establishment of inland fishery bodies for the Near East, Asia and the Far East, and for Latin America

75 The Committee agreed that, in the absence of any suitable machinery for international cooperation, there was an urgent need to set up regional bodies within the framework of FAO to deal with inland fisheries in the Near East, Asia and the Far East, and in Latin America. It stressed the importance and value of inland fisheries in these areas and the contribution that their rational management and development could make to the social and economic welfare of the countries concerned. It therefore decided to recommend to the Council that it should authorize the Director-General to consult with Governments of all FAO Member Nations in these regions and, in the light of these consultations, take the necessary steps towards the expeditious establishment of the proposed bodies. It also agreed that the terms of reference of these bodies should be based on those of the European Inland Fisheries Advisory Commission and of the Committee for Inland Fisheries of Africa.

76 Some members noted that, under its basic Agreement as presently in force, the Indo-Pacific Fisheries Council was responsible for both inland and marine fisheries. They pointed out that at its forthcoming session (Jakarta, 30 October - 8 November 1974) the IPFC would review its functions and effectiveness as a management body. This would provide an opportunity to bring the recommendations of the Committee on Fisheries to its attention so that the IPFC could take them into account. Other members observed that only some of the countries that were interested in the prompt establishment of an inland fishery body for the Near East, Asia and the Far East were members of the IPFC. They expressed doubts whether the IPFC should be consulted in this regard.

Proposed setting up of an action group

77 One member indicated that it would be desirable for the Committee to set up an action group that would work closely with the Chairman in the interval between sessions and assist him in following up the decisions and recommendations of the Committee.

Review of the status and composition of the Fishery Committee for the Eastern Central Atlantic

78 The Committee requested the Secretariat to submit to its next session a paper offering suggestions on ways and means to change the present status and composition of the Fishery Committee for the Eastern Central Atlantic. The paper would have to be prepared in close consultation with the members of CECAF. The purpose of the request was in particular to consider under what conditions CECAF could have its name changed from "Committee" to "Commission" and have wider powers, and also for countries that were not presently members of CECAF to become eligible for membership. It was pointed out that land-locked countries in West Africa might also have an interest in the fisheries of the Eastern Central Atlantic.

Membership of the Committee on Fisheries

79 The Committee noted that a number of FAO Member Nations had omitted, at the Seventeenth Session of the Conference, to indicate their interest in being appointed members of the Committee and were therefore only represented by observers. While recognizing that observers were given the same opportunity as full members to express their views, it felt, nevertheless, that it was necessary to contemplate adopting new procedures at the expiration of the four-year trial period. It therefore decided to recommend to the Council that it should give favourable consideration to more flexible rules regarding membership and recommend them to the Conference for adoption. Several members suggested that it should be sufficient for Member Nations of FAO to notify the Director-General of their desire to be members of the Committee. At any given session, the membership of the Committee would include all Member Nations that had given such notification prior to the opening of the session. Other members felt that those Member Nations should remain members of the Committee until such time as they notified the Director-General to the contrary.

DATE AND PLACE OF NEXT SESSION

80 The Committee was informed that the Third Session of the United Nations Conference on the Law of the Sea would be held in Geneva from 17 March to 10 May 1975 and that a Fourth Session might well be held in the late summer of that year. It therefore agreed that its Tenth Session should be tentatively scheduled for June 1975, and that the precise timing should be left to the Director-General to decide in consultation with the Chairman of the Committee, in the light of circumstances.

81 The Committee noted that, in accordance with Rule II-3 of its Rules of Procedure, the Tenth Session could be held at FAO Headquarters in Rome or in another place, in pursuance of a decision by the Committee itself in consultation with the Director-General. The delegation of Brazil extended to the Committee an invitation to hold the session in its country, subject to confirmation by the Brazilian Government. The Committee expressed its sincere appreciation for the invitation and requested the Director-General to consult with the Brazilian Government regarding the financial and technical possibilities of accepting it.

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Appendix A

AGENDA

1 Opening of the session

2 Adoption of the agenda and arrangements for the session

3 Election of officers

4 International aspects of fishery management and development

(a) The present state of the world fishery resources

(b) Some major problems of regional fishery bodies

(c) Cooperation in the protection of living aquatic resources and fisheries from pollution

5 Small-scale fisheries

6 Cooperation in the United Nations system in relation to fisheries

(a) United Nations Conference on the Law of the Sea

(b) Relations with other United Nations organizations

7 Review of the programme of work of the Organization in the field of fisheries

8 Matters considered by the Council and Conference of FAO

9 Suggested major items for the agenda of the Tenth Session of the Committee on Fisheries

10 Any other matters

11 Date and place of next session

12 Adoption of the report

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Appendix B

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GUEST SPEAKER

H.E. Ambassador Hamilton Shirley Amerasinghe
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Appendix C

LIST OF DOCUMENTS

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2	Annotated provisional agenda
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4, Sup.1	Review of the status of population of marine mammals
5	World fishery resources: current status and problems
6	Progress and problems of regional fishery bodies (a) Non-FAO bodies
7	Progress and problems of regional fishery bodies (b) FAO regional fishery bodies
8	International cooperation in the protection of living aquatic resources and fisheries from pollution
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2	Report of the Joint FAO/ILO/IMCO Meeting of Consultants on Safety on Board Fishing Vessels
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Appendix D

ADDRESS BY THE DIRECTOR-GENERAL AT THE OPENING SESSION

Mr. Chairman, distinguished delegates,

It is now well over three years since I had the pleasure and privilege of addressing you myself. During the last two sessions of the Committee on Fisheries I have unfortunately had to be absent from Rome. I am particularly happy to be with you and to welcome you here today, because your session starts at a moment when important developments are taking place that are likely to affect the future of fisheries.

The very fact that this Ninth Session of your Committee is meeting now, instead of during the usual spring period, is indicative of these special circumstances. It comes between two United Nations Conferences of considerable importance to fisheries—namely the Conference on the Law of the Sea which completed its second session in Caracas at the end of August and the World Food Conference due to be held here in Rome next month.

As you well know, one of your Committee's two principal constitutional tasks is to consider and further international cooperation in fisheries. The other is to review FAO's programme in fisheries and to provide guidance for it. In the discharge of the first function, you will be reviewing the state of the discussions on the Law of the Sea. You are of course aware that these discussions have not yet reached the conclusive stage and that it is therefore not yet possible to see clearly what the precise consequences of a new legal regime will be for world fisheries. However, it does seem clear that coastal countries—and this is particularly significant for developing coastal countries—will emerge with increased rights and responsibilities regarding fisheries off their coasts. The need for full and rational exploitation of the resources involved, already extremely important, will now become more urgent as the world food situation becomes more precarious. It will call for new forms of international cooperation because, no matter where the boundaries of national jurisdiction or control are set, the nature and movements of many fish stocks will always require that management measures taken by different states should be coordinated if they are to be effective. No doubt, this will, in time, require some changes and adjustment in existing fishery management bodies or even the creation of new machinery. This will not be an easy task nor one that can be accomplished quickly. It is therefore by no means too early to think at least about ways and means of accomplishing it. We thus hope that your Committee, as the representative forum for world fisheries, will give this matter close attention at this session. I am sure that you will be assisted in doing so by hearing the views of the President of the United Nations Conference on the Law of the Sea, Ambassador Amerasinghe, who has kindly agreed to address you, as guest speaker, on Friday.

Mr. Chairman, I said earlier that your session comes between two important conferences, the second being the World Food Conference, due to open in three weeks' time. This conference is being convened to take action to deal with the world food situation which, as you know, is giving rise to very serious concern. Unless governments act with determination and despatch there is a real threat of widespread famine. In any event, it is urgently necessary to increase food production rapidly, particularly in the developing countries, and to take steps to make the most effective use of available supplies for feeding the people of those countries. This raises special issues in connection with protein foods, and there is no doubt that the value of fish and fish products in essential nutrition will be enhanced. Thus, your work both as a world-wide Committee and as individuals responsible for fisheries in your own countries will become even more significant.

This, then, is the background to your present session as I see it. I hope it will be in your minds as you consider the individual items of your agenda.

One of these items deserves a few special words at this stage. This is the "Review of the programme of work of the Organization in the field of fisheries", which relates to the second of your two principal constitutional responsibilities that I mentioned at the beginning. This review is to be conducted this time on the basis of a document entitled "Major activities of the Department of Fisheries" in order to enable you to indicate, with respect to the key areas, any changes that may seem desirable to you at this time regarding either the balance between different activities or the methods used in carrying out these activities. Your comments will be valuable in working out our proposals for the Programme of Work and Budget of FAO for 1976/77 which I will present to the FAO Conference a little over a year from now. We hope to have at least an outline of these proposals, so far as they concern fisheries, ready for your examination at your next session.

Finally, Mr. Chairman, let me wish this Committee all success in what promises to be an extremely interesting and important session.

Thank you.

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Appendix E

ADDRESS BY HIS EXCELLENCY AMBASSADOR HAMILTON SHIRLEY AMERASINGHE
PERMANENT REPRESENTATIVE OF SRI LANKA TO THE UNITED NATIONS
PRESIDENT OF THE THIRD UNITED NATIONS CONFERENCE
ON THE LAW OF THE SEA

When the invitation to address the Food and Agriculture Organization's Committee on Fisheries at its Ninth Session was extended to me, while I was in Caracas, I had no hesitation in accepting it. I felt it my duty as President of the Third United Nations Conference on the Law of the Sea and former Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, which was entrusted by the General Assembly with the preparatory work for the Conference, to make a gesture in acknowledgement of the unfailing cooperation and invaluable help extended both to the Sea-Bed Committee and the Conference on the Law of the Sea by the Fisheries Department of the FAO. The quality of the reports and other documents which the Department of Fisheries so readily supplied us at our request could not have been excelled. The interest taken by the members of the Sea-Bed Committee and the participants in the Conference in the subject of fisheries is a clear indication of its vital importance to the entire international community. I might also add another and more personal reason for accepting your kind invitation, and that is the opportunity it provided me of visiting the Eternal City where this Organization has its home.

I thank the Committee on Fisheries for the honour they have done me by choosing me as their guest speaker at this session. I feel greatly humbled in the presence of the members of the Committee who are experts in marine biology, international law and fisheries administration, subjects of which I am almost totally ignorant. I shall, however, try to make up for this lack of professional and technical competence by addressing myself to the legal and political problems that face the Third United Nations Conference on the Law of the Sea in formulating and securing agreement on a new international legal order in relation to fisheries which would be widely acceptable.

The United Nations has demonstrated its grave concern over two of the most serious problems that will have to be faced and for which solutions will have to be found in the last quarter of the twentieth century, by convening two special conferences on population and food. As one of the principal sources of protein for the developing countries, in many areas of which malnutrition is almost endemic and the ugly spectre of famine has already shown itself or threatens to raise its head, rational conservation, management and utilization of the fisheries resources of the oceans so as to make this essential element in their diet available, at prices within the reach of the indigent millions who so desperately need it, assumes special significance.

An examination of the present international law relating to fisheries would be the best introduction to the treatment of the subject I have chosen for my address, namely, "Fisheries and the new International Legal Order". Customary international law in relation to fisheries derives from the doctrine of the freedom of the high seas and gives all nations the right to fish at will beyond the territorial waters of coastal States. As national legislation could not be enforced beyond the limits of the territorial sea, States had in the early part of the nineteenth century been entering into international agreements of a bilateral or multi-lateral nature, but essentially regional in scope, for the conservation of fish and the regulation of fishing. In effect, customary international law treated the high seas as all that area beyond the territorial sea of three miles breadth, a limit traditionally accepted to satisfy only one requirement, that of national security. The range of a ship's cannon has no relevance whatsoever today to the interest of a State in the resources of the waters adjacent to its coast, and cannot provide a logical or equitable basis for the determination of the limit of a State's territorial sea or of the nature and extent of its jurisdiction in the waters adjacent to its coast and beyond its territorial sea.

Among the earliest international agreements on the conservation of fish and the regulation of fishing were bilateral agreements such as the Anglo-French Agreement of 1839 and the agreement between Northern Ireland and the Irish Republic with regard to the Foyle River.

The Geneva Conventions of 1958 on the High Seas and on Fishing and Conservation of the Living Resources of the High Seas represented the first serious attempt at codifying the rules of international law in this field. The preamble to the Convention on the High Seas describes the provisions of the Convention as generally declaratory of established principles of international law, while the Geneva Convention on Fishing bases its agreement on the recognition that the development of modern techniques for the exploitation of the living resources of the sea and the increasing importance of man's ability to meet the need of the world's expanding population for food had exposed some of these resources to the danger of over-exploitation and that the nature of the problems involved in the conservation of the living resources of the high seas made it clearly necessary for them to be solved, whenever possible, on the basis of international cooperation through the concerted action of all the States concerned. Undue importance seems to have been attached and exceptional prominence given to the need for treating established principles of international law as the bedrock of the agreement and to limiting the area of interest to "States concerned". There could be no such limitation today because the whole world is concerned with the problem. While the Geneva Convention of 1958 on Fishing and the Conservation of the Living Resources of the High Seas is the most important multi-lateral agreement dealing with fishing and the conservation of fish, other international agreements have a special relevance. I would refer to two such agreements:

(i) The International Convention of the Northwest Atlantic Fisheries which was signed on 8 February 1949 and came into operation on 19 December 1969, dealing with both conservation and regulation of fisheries in the Northwest Atlantic, the parties to which are—Bulgaria, Canada, Denmark, France, Federal Republic of Germany, Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, U.S.S.R., the U.K. and the U.S.A.

(ii) The International Convention on the Conservation of Atlantic Tuna on 14 May 1966 which entered into force on 31 March 1969, which is confined to the conservation of the resources of tuna and tuna-like fish of the Atlantic Ocean, and the States parties to which are—Brazil, Canada, France, Ghana, Ivory Coast, Japan, Korea (Republic of), Morocco, Portugal, Senegal, South Africa, Spain and the U.S.A.

There is a clear and fundamental difference and distinction between international law, especially customary international law, and international justice. Customary international law, especially that relating to the sea, entrenches power and privilege; it emanates from, and asserts the convenience and interests of, powerful maritime nations and is supported by the sanction of their financial and military superiority. It does not nor does it pretend to represent the will or the interest of the vast majority of mankind. It is admitted that customary international law often originates in the practice of an individual State or of individual States. If those adversely affected by it lack the power to challenge it, they have to submit to it and despite this enforced submission it acquires the status and dignity of law. These are doctrines more suited to the morality and conditions of the seventeenth, eighteenth and nineteenth centuries.

International justice, in contrast, has been firmly implanted in the human intellect and the human conscience through instruments such as the Charter of the United Nations and the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and through the enunciation of the concept of the common heritage of mankind as enshrined in the Declaration of Principles Governing the Sea-Bed and the Ocean Floor and the Subsoil thereof, Beyond the Limits of National Jurisdiction.

In the economic sphere this principle of international social justice has been explicitly defined in such declarations as the International Development Strategy of the Second Development Decade.

It is in the light of these trends that we must examine the problem of fisheries and the new International Legal Order if we want to create a new egalitarian society founded on and sustained by justice and equity and the democratic principle of the progressive abolition of privilege.

Let me examine now the extent to which in the Conference on the Law of the Sea we are moving towards or away from this norm of international social justice in our treatment of the question of fisheries.

The reasons for the adoption of any custom which acquires the force of law must be taken into account in determining the justification for its continuing validity in a changed and changing world. Customary international law which established a three-mile limit for the territorial sea of a coastal State was directed towards ensuring the security of the State from external aggression from the ocean. At the time the custom originated, a narrow limit of three miles was sufficient to ensure the security of the coastal State. There is a marked trend towards the adoption of a maximum limit of twelve miles of territorial sea as a reasonable assurance of security while avoiding interference with the free movement of navigation. Ninety-one States have not exceeded this limit.

The attempt at codification of customary international law relating to the territorial sea during the 1958 Geneva Conference and the subsequent Conference of 1960 failed, however, to secure agreement on the maximum breadth of a coastal State's territorial sea. This was a fatal flaw in the Geneva Convention of 1958 on the Territorial Sea and the Contiguous Zone, especially as the contiguous zone which provided for the exercise by a coastal State of certain rights complementary to and essential for the enforcement of domestic legislation within the coastal State's land territory was limited to a maximum breadth of twelve miles measured from the same base lines as the territorial sea. By implication, the parties to the Geneva Convention on the Territorial Sea and the Contiguous Zone were accepting the obligation to refrain from extending their territorial sea beyond a twelve mile limit. There was no such obligation on the part of States that did not become parties to the Convention.

On the other hand, customary international law relating to the high seas, which was codified in the Geneva Convention of 1958 on the High Seas, had its origin in the need to adopt measures against piracy and to ensure freedom of navigation over the seven seas of the world. The doctrine of the freedom of the high seas cannot, therefore, logically afford justification for the claim, even if all parts of the sea not included in the territorial sea or in the internal waters of a State are deemed to be high seas, that the fisheries of the high seas are open to exploitation by all nations regardless of the interests and needs of other States.

Three of the four principal freedoms of the high seas, namely, freedom of navigation, freedom to lay submarine cables and pipelines,and freedom to fly over the high seas, should not give rise to any reasonable objection as they are in the interests of all and prejudicial to none. On the other hand, the extension of the freedom of fishing equally to all States can with good reason be challenged by coastal States, especially developing coastal States, as their rights and interests are directly involved.

The developing countries have taken the view that the "freedom" aspect of international law relating to the high seas confers an undue advantage on States commanding the technology and financial capacity to exploit that freedom. This has resulted in a marked trend among the developing countries towards the assertion of a coastal State's right to declare an exclusive economic zone beyond the territorial sea where a coastal State shall have exclusive jurisdiction for the purpose of control, regulation and exploitation of both living and non-living resources of the zone and their preservation, and for the purpose of prevention and

control of pollution and where no other State shall explore and exploit the resources without obtaining permission from the coastal State on terms to be laid down by it.

There are other grounds of principle on which coastal States, especially developing coastal States not parties to the Geneva Convention of 1958 on the High Seas, can raise objections to the claim that freedom of fishing is an established right.

On 28 September 1945 President Truman issued a Proclamation which asserted the United States' exclusive right to exploit the mineral resources of its continental shelf beyond its territorial sea—a Proclamation that was accompanied by a parallel statement in which the continental shelf was defined as the sea bed extending roughly to the 200 metres isobath. This unilateral claim was justified by the need for securing new sources of petroleum and other minerals which had become accessible through the advance of technology and was founded on the premise that the exercise of jurisdiction over the natural resources of the sea-bed and the subsoil of the continental shelf by the contiguous State is reasonable and just and that the continental shelf may be regarded as an extension of the land mass of the coastal State and thus naturally appurtenant to it.

Another Truman Proclamation of 28 September 1945 on coastal fisheries recognized the fact that fishery resources contiguous to a nation's coast have a special importance to coastal communities as a source of livelihood and to the nation as a food and industrial resource. The right sought to be asserted by that Proclamation was confined to the establishment of conservation zones in which fishing activities shall be subject to regulation and control.

It is quite significant that the natural resources of the subsoil and the sea-bed of the continental shelf of the United States were proclaimed to be subject to its jurisdiction and control on the ground that the "continental shelf may be regarded as an extension of the land mass of the coastal nation and thus naturally appurtenant to it", whereas in regard to its coastal fisheries the right claimed by the United States was that of the establishment of conservation zones in which fishing activities shall be subject to regulation and control by the United States alone or by agreement between the United States and other interested parties.

Such unilateral declarations, which are clearly meant to preserve existing rights acquired without the genuine consent of the majority of the peoples of the world, while at the same time establishing new rights for a minority of powerful nations, are not compatible with the requirements of this new era of international relations with its progressive assertion of the right of self-determination of all peoples and of the principles of international social justice. The sole criterion by which the value and validity of any law or custom in international relations can be judged in the world of today is equity.

The inevitable riposte to the Truman Proclamation relating to the coastal State's sovereignty over the natural resources of the sea-bed and the ocean floor of its continental shelf was the Santiago Declaration of August 1952 by Chile, Ecuador and Peru, all countries which had not been endowed by nature with a continental shelf and, therefore, with considerable justification, sought to secure some form of compensation through the assertion of an exclusive right to other resources in the waters contiguous to their coast and to which they could secure access. It was from this Declaration that the concept of the exclusive economic zone of a coastal State or that of the patrimonial sea emerged. It is this concept that has become perhaps the central issue of the Conference on the Law of the Sea.

The exclusive economic zone proposal was first mooted by Kenya at the Asian-African Legal Consultative Committee's meeting in Lagos in January 1972. The Kenyan proposal limited the extent of this zone to 200 nautical miles measured from the same base lines as the territorial sea. It rapidly found support which was expressed chiefly in the following documents:

(1) The Declaration of Santo Domingo approved by the meeting of Ministers of the Specialized Conference of the Caribbean Countries on Problems of the Sea held in June 1972

(2) The conclusions in the General Report of the African States Regional Seminar on the Law of the Sea held in Yaoundé in June 1972

(3) The Addis Ababa Declaration of May 1973 adopted by the Council of Ministers of the Organization of African Unity

The exclusive economic zone proposal was formally presented to the Sea-Bed Committee by Kenya in conjunction with thirteen other States in the form of a set of draft articles and was supplemented by a further set of draft articles on fisheries presented by Kenya in conjunction with Canada, India and Sri Lanka.

In the Santo Domingo Declaration, this zone is called the patrimonial sea.

In all these Declarations, it was recognized that the establishment of an exclusive economic zone or patrimonial sea would be without prejudice to the freedom of navigation, freedom of over-flight and freedom to lay submarine cables and pipelines for all States without discrimination.

The claim to an exclusive economic zone where the coastal State has the exclusive right of exploitation of the living and non-living resources is founded on the principle that these resources, and especially the living resources, are of vital importance to the economy and the livelihood of the people of the coastal State, a principle that was recognized in the Truman Proclamation of 1945 on coastal fisheries.

Under this concept, the coastal State has the right, if it is unable because of a lack of technology and financial capacity to exploit these resources to the limit, to negotiate with those who have the means to exploit those resources and to enter into arrangements for such exploitation with foreign governments or other entities on terms which offer it the best return. Over these natural resources the coastal States supporting the exclusive economic zone concept claim the right to exercize full sovereignty and not just preferential rights. They also claim that no foreign government or agency has any right to dictate to the coastal State the conditions or policy that should apply to the participation of foreign governments and entities in the exploitation of these resources, no more than foreign interference in the economic policies of a government within its territory can be countenanced.

Those who support this concept of the exclusive economic zone, and in particular the exclusive fisheries zone, do not agree to a "preferential right" which implies a limitation on the coastal State's sovereignty, nor would they agree to any interpretation which limits the coastal State's rights only to those living resources which it is capable of exploiting at a given time while permitting free access to the zone on the part of other States to the remaining resources available for exploitation.

So far as the coastal State is concerned, the exclusive economic and exclusive fisheries zones have one outstanding advantage: they would permit the economic application of any investment already made by the coastal State in the development of its fisheries and encourage further investment. In principle there should be no difference between, on the one hand,a coastal State's claim to sovereignty over the mineral resources of its continental shelf for purposes of exploration and exploitation and,on the other hand,the rights claimed under the concept of the exclusive economic zone and the exclusive fisheries zone. If the former could have been justified and received the benediction of the International Court of Justice, the latter should be equally unexceptionable. If the nations of the world recognized this principle of equal treatment and eschewed any form of discrimination in favour of a small minority of developed nations merely on the ground that they attained a high degree of technological competence far earlier than the developing nations, the greater the chances of establishing a new legal order that would ensure both peace and equity.

There must be a difference of approach,on the one hand,to fisheries as a renewable resource and,on the other hand,to the minerals of the sea-bed and subsoil as a non-renewable resource. Measures of conservation and harvesting must be carefully and scientifically devised so as to avoid inadequate utilization of a valuable resource and the consequential loss of an indispensable food supply.

Mineral resources, on the other hand, do not require such elaborate measures of conservation as they are non-renewable and it might be to the advantage of the international community to avoid accelerated exploitation and, therefore, premature exhaustion of these resources.

Although much stress is laid on the full utilization of fisheries resources so as to secure the maximum yield, Professor Colin Clark does not agree that the Maximum Sustainable Yield concept is economically sound in regard to fisheries exploitation. According to Professor Clark, there is no reason why the most efficient economic policy should automatically adopt the Maximum Sustainable Yield concept. On the other hand, the optimum yield concept would appear to be a much sounder one.

Cooperation between States whose coastal and inland waters provide a sojourn or habitation for certain types of fish during their lifetime is an essential element in the conservation and exploitation of fisheries in an equitable manner. Migratory species, predatory species, anadromous and katadromous species require special treatment but such treatment must be governed by two principles under the exclusive economic zone or the exclusive fisheries zone concept, viz:

(1) The coastal State has exclusive rights only while the fish are within its national jurisdiction

(2) The interests of the international community, and especially of neighbouring States, should be taken into account in the exercise of the coastal State's exclusive rights because of the mobility and other biological characteristics of the fish

The rights and duties of the coastal State in the exclusive fisheries zone must be considered in regard to two aspects of the problem:

(1) Conservation and management

(2) Optimum utilization

In regard to migratory species or species which, in the course of their life span, move from one jurisdiction to another, the poor fish need some protection. There is no fish language which can warn these nomads of the marine environment of the consequences of their movement from one area to another. No notices can be erected threatening them that "Trespassers will be fished regardless of age, size or condition". Scientific regulation is necessary and such regulation must be effected in accordance with the best available scientific data. The States involved have a duty to consult and cooperate with one another in determining the conservation measures and the optimum utilization standards, and for that purpose should employ to the very limit the services of international or intergovernmental bodies, chief among them the Fisheries Department of FAO and its regional Commissions. The constitutions and administrative procedures of these regional Commissions would require modification and adaptation to changes effected in international law.

The sound conservation and optimum utilization of fishery resources are more likely to be achieved under a system of exclusive coastal State jurisdiction than under a laissez-faire system permitting of distant water fishing. Under the latter system, which is now in vogue, and so staunchly defended by the traditionalists, the element of national interest is lacking while that of unrestricted exploitation for pure profit is the guiding principle. Altruism is not a virtue that can be detected in the laissez-faire system.

Under the exclusive economic zone or exclusive fishery zone concept, the needs and interests of the land-locked, shelf-locked or geographically disadvantaged States, particularly those which fall into the category of developing States, have to be suitably accommodated. Such accommodation is not a legal duty but a moral one, justified by reasons of equity and the mutual self-interest of coastal States and developing land-locked States, especially if the coastal States are themselves developing States.

Care must be exercised in identifying those States that are referred to as"geographically disadvantaged States". Is the disadvantage of geographical location to be examined only in the light of means of access to the sea? If such a disadvantage is more than compensated for by a handsome geological endowment on nature's part such as, for example, vast mineral resources, mere geographical location has no special relevance. The disadvantaged States claim the right to participate in the exploration and exploitation of the living resources of the economic zone of neighbouring coastal States on an equal and non-discriminatory basis. Under their proposal, the States concerned may decide upon appropriate arrangements to regulate the exploitation of the resources in that zone and the coastal States may annually reserve for themselves and such other disadvantaged States as share with them equal rights of participation, that part of the maximum allowable yield, to be determined by the relevant international fisheries organization, which represents the harvesting capacity and needs of those States. They would allow the remaining allowable yield to be exploited by others under conditions and regulations which will be laid down by the coastal State.

These proposals also include the principle that developed coastal States which establish such an exclusive economic zone or exclusive fishery zone shall contribute a certain percentage of the revenue they derive from the exploitation of the living resources in that zone to the International Authority, such contributions to be distributed by the International Authority in an equitable manner.

One of the principal concerns of land-locked States is that they should have the right of free access to the ocean. The Kenyan proposal, to which I referred earlier in dealing with the question of the exclusive economic zone, rightly recognized "the need for taking into consideration the rights of developing land-locked and shelf-locked States and States with narrow shelves including the right of access to the sea and the right of transit".

The Addis Ababa Declaration is more explicit and endorses "the principle of the right to access to and from the sea by the land-locked African countries and the inclusion of such a provision in the Universal Treaty to be negotiated at the Conference on the Law of the Sea".

The traditionalists, comprising most of the major maritime nations, are prepared to accept the concept of an exclusive economic zone coupled with a territorial sea of a maximum breadth of 12 nautical miles but there is a fundamental difference between their understanding of the concept of an exclusive economic zone and the concept as defined by the developing countries. This difference appears irreconcilable. What the developing coastal nations seek is sovereignty. What the traditionalists propose is described as sovereignty and exclusive rights but this sovereignty and these sovereign rights are so strongly fettered as to convert them into a concession.

Where the coastal State is unable to exploit the allowable catch to the limit, it is required to allow other States, especially those who have regularly fished in that area and have invested heavily for that purpose, the right to fish the remainder of the catch on reasonable terms. The developing nations, which claim an exclusive economic zone where they shall exercise sovereignty for the purpose of exploring and exploiting its natural resources, do not appear willing to accept such an attenuated and circumscribed type of sovereignty. If any nations should have priority of treatment in regard to the residual catch, it should be developing States. This is what certain States in the disadvantaged category mean when they ask that the new Law of the Sea should be development oriented.

It is over the question of the exclusive economic zone and the different positions of three groups—the developing coastal States, the disadvantaged States including the land-locked and shelf-locked States, and the traditionalists—that the fiercest battles will be waged in the effort to arrive at an universally acceptable agreement.

Yet another issue that has been raised relates to the role of the proposed international authority in regard to fisheries beyond the exclusive economic zone of coastal States. Those who wish to see ocean space treated as a single entity and no distinction drawn between the living and non-living resources of the area beyond national jurisdiction in regard to the regulation of their exploitation and use would wish to bring them all within the proposed International Authority's jurisdiction. There might be an advantage in establishing central responsibility for prescribing conservation and management standards and measures and their surveillance.

Some of these proposals may sound utopian, if not heretical, to those who believe that the existing international Law of the Sea is Holy Writ and sacrosant but we must not forget the saying that the Utopias of today are the commonplaces of an enlightened tomorrow.

I have touched on what I consider to be some of the most thorny problems that have to be solved by the Third United Nations Conference on the Law of the Sea. Everyone desires that the future Law of the Sea should be established by a treaty of a universally acceptable character. If this result is to be achieved, there would have to be considerable mutual accommodation and a display of a determined political will to resist the temptation of insisting on the preservation of rights that had been acquired in a different age and under entirely different circumstances or of seeking to effect unduly radical or revolutionary changes. Moderation is required on all sides and the transcendental objective should be recognized as that of securing a treaty which would enable the nations of the world to cooperate with one another in the exploitation of the resources of the oceans in a manner that would contribute to reducing the gross inequalities in incomes and the wide disparity in living standards as between the developed and developing sections of the world.

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